IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 13612 of 2004

Between:

Avulari Ramesh Babu S/o Ankaiah
7th Lane, last, Chaitanyanagar, Guntur

..... PETITIONER

AND

1. The Superintendent of Police, Guntur District, Guntur
2. The Inspector of Police, Law and order, Old Guntur, Guntur District
3. The Sub Inspector of Police, Law & Order, Old Guntur, Guntur District
4. The Revenue Divisional Officer, Guntur Division, Guntur, Guntur District
5. The Sub Inspector of Police, Kothapeta Police Station, Guntur,

Guntur District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate order or direction declaring the action of the Respondents in opening Rowdy Sheet against the petitioner as illegal, arbitrary, unreasonable, unwarranted and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents herein to remove the name of the petitioner from Rowdy Sheet Register.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for the Respondent: GP FOR HOME

The Court made the following:

ORDER:

The petitioner questions the action of the respondents in opening the rowdy sheet against him and in continuing the same even after his acquittal in the criminal case.

A counter has been filed by the respondents stating that a rowdy sheet has been opened against the petitioner, as he was involved in a murder case in Cr.No.205 of 1991 on the file of the Old Guntur Police Station. But the said case has been ended in acquittal on 11.12.1992.

The rowdy sheet was opened against the petitioner prior to the said case on 09.11.1991, which was being continued from time to time. It is stated that the petitioner has been recently involved in Cr.No.59 of 2004 under Section 107 Cr.P.C. on the file of Old Guntur L & O Police Station bounding over him for a period of six months by order, dated 15.03.2004.

Admittedly, the said six months period has been also over and no case is pending against the petitioner. That being so, the rowdy sheet opened against the petitioner cannot be continued against him as it cannot be said that he is a habitual offender involved in the offences affecting the public peace. Therefore, I am of the opinion that continuance of the said rowdy sheet opened against the petitioner is contrary to the Police Standing Order No.742.

Accordingly, the Writ Petition is allowed directing the respondents to close down the rowdy sheet opened against the petitioner. No costs.

V. ESWARAIAH, J

Dated:05-04-2005

Ccm

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Tuesday, the Fifth day of April, Two thousand and Five.

ASSISTANT REGISTRAR

To:

1. The Superintendent of Police, Guntur District, Guntur
2. The Inspector of Police, Law and order, Old Guntur, Guntur District
3. The Sub Inspector of Police, Law & Order, Old Guntur, Guntur District
4. The Revenue Divisional Officer, Guntur Division, Guntur, Guntur District
5. The Sub Inspector of Police, Kothapeta Police Station, Guntur,

Guntur District

6 Two CCs to the G.P. for Home, High Court Buildings,

A.P.Hyderabad(OUT)

7 Two CD copies.